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December 9, 2005

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Via Electronic Filing

Marlene H. Dortch
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: EX PARTE SUBMISSION

WT Docket 03-66; Amendment of Parts 1, 21, 73, 74, and 101 of the
Commission's Rules to Facilitate the Provision of Fixed and Mobile
Broadband Access, Educational and Other Advanced Services in the 2150-
2162 and 2500-2690 GHz Bands

Dear Ms. Dortch:

NY3G Partnership ("NY3G") hereby submits for the record in the above-referenced proceeding its comments in a related proceeding urging the Commission to impose restrictions on EBS lease agreements in light of the potential for anticompetitive harm in the EBS/BRS market. In summary, the Commission should: (i) prohibit rights of first refusal or rights of automatic renewal in EBS lease agreements, where such rights could extend the cumulative lease term beyond ten years; (ii) require existing EBS lease agreements to be conformed to these restrictions; and (iii) require EBS lease agreements to be filed with the Commission for public inspection.

Very truly yours,

/s/

Bruce D. Jacobs
Tony Lin
Counsel for NY3G Partnership

Attachment



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July 26, 2005

EX PARTE

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Applications for the Transfer of Control of Licenses and Authorizations
from Nextel Communications, Inc. to Sprint Corporation
WT Docket No. 05-63

Dear Ms. Dortch:

NY3G Partnership ("NY3G") hereby files this letter in support of the EBS lease-related conditions suggested in the *ex parte* letter filed by Media Access Project ("MAP") on July 15, 2005 in the above-captioned proceeding. In its Petition to Deny and its Reply, NY3G noted that the proposed merger of Sprint Corporation ("Sprint") and Nextel Communications, Inc. ("Nextel") would give the combined entity ("Sprint Nextel") a dominant position in the nationwide market for EBS/BRS services, resulting in potential anticompetitive harms that could adversely affect both consumer welfare and the broader public interest. NY3G also suggested specific conditions intended to address these potential harms. For example, NY3G requested that the Commission prohibit Sprint Nextel from maintaining an attributable interest in a total of more than 48 MHz of licensed or leased EBS/BRS spectrum within any Basic Trading Area, and suggested a number of other conditions intended to facilitate roaming arrangements between Sprint Nextel and competing carriers.

In its *ex parte* letter, MAP notes the potential for related anticompetitive harms, and suggests additional conditions intended to address these harms. NY3G agrees that many of these conditions would serve the public interest, and specifically urges the Commission to: (i) prohibit Sprint Nextel from including rights of first refusal or rights of automatic renewal in its lease agreements, where such rights could extend the cumulative lease term beyond ten years; (ii) require Sprint Nextel to conform its existing leases to these restrictions; and (iii) require Sprint Nextel to file unredacted copies of its EBS leases with the Commission for public inspection.

Marlene H. Dortch
July 26, 2005
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Please contact the undersigned should you have any questions in this matter.

Sincerely,

/s/

Bruce D. Jacobs
Tony Lin
Jarrett Taubman

Counsel for NY3G Partnership